

#### REMARKS

Applicant respectfully requests favorable reconsideration of this application, as amended.

Claims 3-8, 10, 11, 20, 21 and 23-28 are pending. By this Amendment, Claims 3, 5, 23 and 24 have been amended as discussed in detail below. Claims 12-18, previously withdrawn, have been canceled without prejudice or disclaimer. Claims 1, 2, 9, 19 and 22 were previously canceled without prejudice or disclaimer. New Claims 25-26 have been added.

In the outstanding Office Action, Claims 3-6, 10, 11, 23 and 24 were rejected under 35 U.S.C. § 103 over Otaki in combination with Kusaka, and Claims 7, 8, 20 and 21 were rejected under 35 U.S.C. § 103 over Otaki in combination with Kusaka and Yonezawa. Without acceding to the rejections, Claims 3 and 5 have been amended to further clarify Applicant's invention.

In particular, Claim 3 now recites, *inter alia*, an intermediate magnification varying part disposed just after an image side of said objective lens to vary magnification of a sample observed through said objective lens, and where, in a high magnification variation state, the lens group having a positive refractive power is disposed just after the image side of said objective

lens, while in a low magnification variation state, the lens group having a negative refractive power is disposed just after the image side of said objective lens, and that the intermediate magnification varying part is constructed in such a way that its optical system is rotatable relative to an optical axis of said objective lens with an axis substantially orthogonal to said optical axis of said objective lens being a rotation axis.

Similarly, Claim 5 now recites, inter alia, an intermediate magnification varying part disposed just after an image side of said objective lens to vary magnification of a sample observed through said objective lens, in which the intermediate magnification varying part is constructed in such a way that its optical system is rotatable relative to an optical axis of said objective lens with an axis substantially orthogonal to said optical axis of said objective lens being a rotation axis.

It is apparent that the applied prior art does not teach or suggest these claim features. For example, the portion of the disclosure of Otaki relied upon shows an intermediate magnification varying part having a revolver (20) holding different objective lenses. (See Otaki, Figs.

1 and 2.) There is no intermediate magnification part to vary the magnification of a sample observed through a same objective lens. Kusaka, for its part, teaches a differential interference optical system that includes a rotatable Nomarski prism (Figs. 12A and 12B, element 12; para. [0075]), but does not cure the deficiencies of Otaki relative the aforementioned features of Applicant's claimed invention. Yonezawa, for its part, does not cure the deficiencies of Otaki and Kusaka.

Thus, Applicant respectfully submits that Claims 3 and 5, as well as their respective dependents, distinguish patentably from the applied prior art.

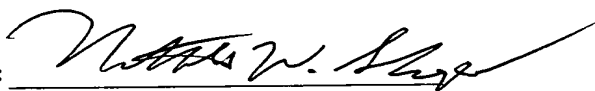
New Claims 25-26 have been added herein to protect further aspects of Applicant's invention. New Claims 25 and 27 recite, *inter alia*, that the microscope optical system is composed of the objective lens and first and second lens groups of the intermediate magnification varying part disposed in a specified order dependent upon the selected magnification state. New Claims 25-28 are thus believed to be patentable in view of these features, in addition to their dependence from Claims 3 and.

In view of the amendments and remarks presented herein, Applicant respectfully requests a prompt Notice of Allowance.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

Respectfully submitted,

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